

Remarks

In response to the July 16, 2003 Office Action, Applicants respectfully request reconsideration of the rejection for reasons set forth below.

With regard to the 35 U.S.C. § 112 rejection of claims 2-4, claim 2 has been amended to remove the objected word “consists” so as to overcome the objection to these claims. The same change has also been made to claim 5 to overcome any similar rejection to that claim.

Regarding the rejection of claim 1 under 35 U.S.C. 102(b) as being clearly anticipated by the Yu reference, the undersigned attorney after receiving the Office Action conferred by telephone with Examiner Chin-Shue to discuss the fact that there was no indication anywhere of the number of that reference nor was any copy provided. Upon reviewing the situation, Examiner Chin-Shue told the undersigned attorney to ignore that rejection since there is nothing of record to support it. As such, there is nothing further that can be said regarding the Yu reference.

In response to the rejection of claim 1 under 35 U.S.C. 102(b) as being clearly anticipated by the United States Patent 5,293,785 Lichtenberg, it is believed that claim 1 distinguishes over Lichtenberg in a non-obvious manner. First, the present invention involves a “bottom” anchor assembly for a generally vertical safety line as opposed to a cable connector of the type disclosed by Lichtenberg for use in automotive engine control. Furthermore, claim 1 recites a gripper assembly including a manually adjustable clamp that can be clamped to the safety line at an adjustable position along its length. In the Lichtenberg patent, the cable strand end fitting includes a retainer member 20 that is staked (i.e. crimped) at one end of the strand 18 as set forth in column 2, line 38. Such a retainer member that is staked or crimped to a cable does not permit the manually adjustable clamping involved with the present invention so that a safety line can be secured at an adjustable position along its length. This is an important feature of the invention since it permits the bottom anchor assembly to be utilized with

structures of different heights while using the same safety line. Furthermore, the manner in which the Lichtenberg retainer member is staked can cause damage to the associated cable which is not acceptable with a bottom anchor assembly utilized with a safety line in accordance with the invention.

Applicant also respectfully traverses the rejection of claims 1-4 and 12 under 35 U.S.C. 102(b) as being clearly anticipated by British patent reference 846,096 of David et al. The David et al. reference discloses a rope tensioning means that is utilized at the upper end of a guide rope utilized in mine elevators to provide a guiding function. The base plate 1 of David et al. is mounted on a "Kinging platform" page 2, line 18, and the rope R extends downwardly therefrom and is tensioned by a compression spring 17. Applicants' claim 1, on the other hand, recites a bottom anchor assembly including a safety line gripper, fixed bracket and a tensioner including a hollow shaft connected to the gripper and through which the safety line passes and extends upwardly, with the hollow shaft having an externally threaded portion including a load setter threadably adjustable thereon and adapted to bear against the underside of the fixed bracket to provide safety line tension to a predetermined value.

It is respectfully submitted that the mine rope guide tensioning device of David et al. is unrelated to the present invention since it operates at the upper end of the rope as opposed to functioning at the lower end of a safety line in accordance with the present invention. Specifically, the tensioning structure of David et al. has a rope R that extends downwardly from the clamping gland 10 and the nut 11 that is adjusted to control tensioning operates at the upper end of the torque tube 4 unlike the present invention where the load setter of the tensioner bears against the underside of the fixed bracket to provide line tension adjustment of the upwardly extending safety line.

Applicant also respectfully traverses the rejection of claims 2-4 under 35 U.S.C. 103(a) as being unpatentable over Lichtenberg in view of either the British patent reference 917,980 of Davies or David et al. The invention of the Lichtenberg patent involves the threaded adjustability of the cable strand end fitting 10 when utilized with a staked retainer

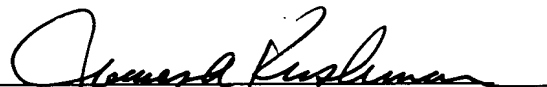
member 20. The proposal to provide an adjustable clamp with Lichtenberg's cable would render useless his claimed invention of the threaded housing 28 whose adjustment provides cable strand tensioning in association with the staked retainer member 20. In other words, if the staked retainer member 20 were adjustable, there would be no need to provide the tension adjustment of the housing 28 in the manner Lichtenberg claims. The proposed revision of Lichtenberg to incorporate adjustable clamping instead of the staked member 20 thus is contrary to the invention of Lichtenberg. It is settled law that one cannot modify a reference contrary to its claimed invention since that would destroy the invention on which the patent is based.

Applicants also respectfully traverse the rejection of claims 10 and 11 as being unpatentable over United States Patent 1,876,731 Neate in view of the British Davies reference. These claims as depending from claim 1 involve the bottom anchor assembly for a vertically-oriented safety line in which there is threading adjustment of the line tension by the fixed bracket and load setter discussed above. On the other hand, the Neate patent discloses a cable 1 that is freely movable relative to an outer casing 2. The adjustability provided by the extension 8 and locking nut 9 of each ball member 6 only involves the casing and not the cable 1 that extends through the casing. The Neate patent is thus totally irrelevant to the present invention which involves, as discussed above, a bottom anchor assembly for a vertically oriented safety line wherein a fixed bracket in association with a manually adjustable gripper secured to the safety line and a tensioner whose load setter is connected to the gripper and threads along the externally screw threaded portion to bear against the underside of the fixed bracket and provide tension adjustment of the upwardly extending safety line.

For the reasons set forth above, it is respectfully submitted that the prior art does not teach or in any way suggest the claimed invention such that it is appropriate to hereby respectfully solicit its allowance.

Respectfully submitted,

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Date: November 14, 2003

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